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BEFORE THE POSTAL REGULATORY COMMISSION WASHINGTON, DC 20268

Rate Adjustment Due To Extraordinary or Exceptional Circumstances, 2010

Docket No. R2010-4R

REPLY COMMENTS OF TIME WARNER INC.

(August 1, 2011)

Pursuant to Order Nos. 757 and 781 Time Warner Inc. submits its Reply Comments in this docket.

The Postal Service urges the Commission to adopt a "general proportionality" standard of the "due to" provision in 39 U.S.C. section 3622(d)(1)(E) that is based on its interpretation of the holding in *United States Postal Service v. Postal Regulatory Commission*, 640 F.3d 1263 (D.C. Cir. 2011). That interpretation is, however, based only on dicta in the Court's opinion, dicta that were extensively identified and discussed in our Initial Comments and dicta that in no way binds or constrains the Commission in the sole task pending before it on remand.

Time Warner Inc. supports the Motion to Strike of the Alliance of Nonprofit Mailers, Association for Postal Commerce, Direct Marketing Association and Magazine Publishers of America, Inc. filed on July 27, 2011, and adheres to the position espoused in our Initial Comments, filed on July 25, 2011.

Respectfully submitted,

<u>s/</u> John M. Burzio Timothy L. Keegan

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